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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

In re Marriage of ERIC D. and GRACE  
FARMER.

ERIC D. FARMER,

Appellant,

v.

GRACE FARMER,

Respondent.

G041159

(Super. Ct. No. 00D000234)

O P I N I O N

Appeal from an order of the Superior Court of Orange County, Michael J. Naughton, Judge. Affirmed.

Eric D. Farmer, in pro. per. for Appellant.

Steven J. Brewer for Respondent.

\* \* \*

Appellant Eric Farmer is the petitioner in the underlying family law matter. Respondent Grace Farmer is also the respondent in the underlying matter. Steven Brewer provided limited legal representation to respondent. An October 2, 2008 minute order states: “After reading the pleadings, the court dismisses counts 1 through 9 as the contempt is defectively pleaded. A contempt should not have been filed. [¶] As for attorney fees, the court orders \$1,500 payable from the petitioner to Mr. Brewer forthwith.”

Appellant states in his brief that his appeal is “solely based on the fact that the trial court had not followed Family Code section 271 in determining Mr. Farmer’s reasonable ability to pay such fees.” Respondent states: “Mr. Farmer assumes probably because of his conduct that the \$1,500 in attorney fees were ordered based solely on Family Code section 271. This may be an incorrect assumption as the court could have ordered fees based upon other attorney fee sections, such as Family Code section 2030.”

While the minute order for the motion does name a court reporter, no reporter’s transcript has been provided to this court. Appellant’s opening brief asserts one ground for reversing the judgment. Where an appeal proceeds solely on a clerk’s transcript, it is treated as an appeal on the judgment roll. (*Williams v. Inglewood Board of Realtors* (1963) 219 Cal.App.2d 479, 481; *Estate of Larson* (1949) 92 Cal.App.2d 267.) On a judgment roll appeal, the error must appear on the face of the record. (Cal. Rules of Court, rule 8.163; *National Secretarial Service, Inc. v. Froehlich* (1989) 210 Cal.App.3d 510, 521.)

It is possible that the basis of the court’s order was Family Code section 271, but we are unable to determine that from the record before us. We are unable to judge whether or not the trial judge abused his discretion because the record on appeal is inadequate. All we know from the record is that the court ordered appellant to pay \$1,500 to Brewer. It could very well be the court explained its reasons and provided an analysis and explanation on the court reporter’s record, but that record is not before us.

“Production of a record insufficient to show whether the trial court was right or wrong is not the equivalent of demonstrating error [citation].” (*Crummer v. Zalk* (1967) 248 Cal.App.2d 794, 796.) Because appellant failed to furnish an adequate record of the underlying proceedings, the appeal must be decided against him. The trial court’s order is affirmed. Respondent is awarded her costs on appeal.

MOORE, J.

WE CONCUR:

SILLS, P. J.

BEDSWORTH, J.